

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

MONDAY, AUGUST 19, 2013
[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairman Holmquist opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Holmquist closed the public comment period.

Chairman Holmquist led the Pledge of Allegiance.

MONTHLY MEETING W/ LISA SHEPPARD, AOA

9:00:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, AOA Director Lisa Sheppard, Clerk Kile

Sheppard met with the commission and reviewed the following monthly report.

This is the first report that includes information on AOA's new performance measures for Fiscal Year 2014 (July 2013-June 2014). Below are two tables, one for performance measures and one for workload indicators, showing FY 13 actuals, FY 2014 targets, July 2013 totals, and fiscal year-to-date totals. As these numbers represent work in the first month of the fiscal year, the year-to-date totals are the same. Some information is not yet available and will be reported in future months. Additional detail may be reported in the program sections below. We are working on more thorough and accurate reporting as well as collecting additional data to assist us in planning for and managing our programs.

Performance Measures and Workload Indicators

MEASURE	FY 2013 Actual	FY 2014 Target	July 2013	Total Last Report	Total/Avg. to Date	% Target
# Receiving Independent Living Services	317	350	127	N/A	127	36%
# Receiving Meals on Wheels	349	373	185	N/A	185	50%
# of Seniors Receiving Congregate Meals	817	832	405	N/A	405	49%
# of Eagle Transit Dial-A-Ride Customers		470	298	N/A	298	63%
# of RSVP Volunteer Hours	40,468	32,000	Sept. report	N/A	Sept. report	
# of Public Outreach/Education/Media Efforts	35	48	7	N/A	7	15%
% of MOW/Ind. Liv. Recipients at Moderate to High Risk of Institutionalization *	N/A	70%	78%	N/A	78%	
Per Meal Cost of Nutrition Services	Sept. report	\$6	Sept. report	N/A	Sept. report	
% of Annual Survey Respondents Who Indicate Overall Satisfaction with AOA Services	N/A	90%	N/A	N/A	N/A	
Maximum # of Public Complaints About Transportation Services per Month (no more than 60 annually)	N/A	5	2	N/A	2	

* Based on staff assessment using "at-risk" matrix

WORKLOAD INDICATOR	FY 2013 Actual	FY 2014 Target	July 2013	Total Last Report	Total/Avg. to Date	% Target
Nutrition						
Meals Served	76,893	78,000	6,797	N/A	6,797	9%
# Nutritional Assessments Conducted		560	63	N/A	63	11%
Transportation						
Total Ride Count	93,469	96,000	7,152	N/A	7,152	7%
Dial-A-Ride Count		40,320	2,581	N/A	2,581	6%
City and Commuter Ride Count		55,680	4,571	N/A	4,571	8%
Information and Referral						
Outreach, Info and Referral Contacts		16,300	1,639	N/A	1,639	10%
Independent Living						
Homemaker Units of Service	3,318	3,780	262	N/A	262	7%
Escorted Transportation Units of Service	1,845	1,768	137	N/A	137	8%
Respite Units of Service	2,742	2,932	212	N/A	212	7%
Community Support Units of Service	N/A	N/A	34	N/A	34	
Medicare/Ins. Counseling Units of Service		1,300	257	N/A	257	20%
Monthly Ombudsman Visits	19	19	21	N/A	21	
RSVP						
Volunteers Recruited/Enrolled	493	500	342	N/A	342	68%
Work Stations Developed/Maintained	59	60	59	N/A	59	98%
Newsletters Produced and Distributed	4	6	0	N/A	0	0%

AOA Administration
Budget

- FY 2013: In process of preparing revised and final financial reports for DPHHS
- FY 2014:

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- We are working closely with Finance to accurately account for Glacier National Park revenue and expenses relative to the close out of FY 2013 in fund 2990 (Transportation) and the beginning balance in FY 2014 in the newly created GNP fund 2996. We anticipate a remaining fund balance in Transportation of 23-25% after adjusting for the change in the method for recording advance revenue from the Park.
- We are still waiting to hear about additional federal cuts.

State/Legislative Issues

- **Community First Choice Committee:** Lisa will attend the next meeting in Helena on 9/20/2013 to review the CFC State Plan Amendment and begin work on implementation.
- **M4A:** Lisa participated on the monthly M4A call on 7/24/2013. Lisa and Kathi will participate in the quarterly M4A meeting in Havre 8/27-28/2013.

Building

- **New building:** Nothing to report.
- **Kelly Road:** Nothing to report.

Advisory Council

- The Council is not meeting in August as many members are volunteering at the RSVP Senior Rest Area at the Fair. The next regularly scheduled meeting is on 9/12/2013.

Strategic Planning

- Strategic planning efforts will resume in September.

Research and Program Evaluation

- We are wrapping up our participation in a study by the U.S. Administration on Community Living on the effectiveness of different approaches to service provision to inform better delivery of long-term services and supports (LTSS).
- Area IX clients are in the process of being contacted to participate in the U.S. Department of Health and Human Service's Eighth National Survey of Older Americans Act Participants in coordination with the Montana DPHHS.

Staff Development

- HR conducted FMLA training for AOA/Eagle Transit staff on 8/5/2013.

Outreach/Education/Media - Increased outreach is a goal in our Area Plan on Aging (Oct. 2011- Sept. 2015)

- Interlake reported on the inclusion of the project in the approved CIP on 7/1/13.
- New radio ads for Eagle Transit services began on 7/1/2013 on multiple stations.
- On 7/2/2013, Lisa was interviewed by Fox News about the inclusion of the new building in the CIP.
- On 7/22/2013, Lisa presented about AOA services to the local Association of American University Women. Approximately 35 people were in attendance.
- On 7/25/2013, Dave Polansky, Transportation Manager, presented about Eagle Transit services to the Veterans provider group. Approximately 30 people were in attendance.
- On 7/25/2013, Lisa presented at the Kalispell Senior Center general meeting. Approximately 22 people were in attendance.
- On 7/30/2013, the Daily Interlake reported on Plum Creek's \$2000 donation to the Senior Mobile Home Repair program, highlighting program recipient Bertha Myers.
- Software for AOA that will allow us to post statistics, reports, menus, I&R info, newsletters and other items on the AOA page on the county website has been installed and IT began training staff in its use on 7/12/13.

Eagle Transit

- A.T. Stoddard from LSC Transportation Consultants presented the draft of the Five Year Transit Development Plan to the Commissioners on 8/8/2013. Recommendations for immediate implementation were eliminating Saturday service (will take effect 10/1/2013), modifying the Kalispell-Evergreen city bus routes to run north/south and east/west with a transfer point in downtown Kalispell, and increasing service hours on the Whitefish and Columbia Falls city routes. Intermediate and long-range recommendations were also presented, including the establishment of an urban transportation district.
- Glacier National Park cooperative agreement:
 - As of 7/31/2013 the shuttle service had provided 72,061 this season, which is up approximately 10,000 rides up from this time last year.
 - The Park Operations Lead position is open. We are in the process of modifying the job description and plan to post the position shortly. Jim Boyd, Eagle Transit Operations Lead, is overseeing shuttle operations along with the contracted supervisor, Sharon Bengtson.
 - We have negotiated an admin fee for the agreement of \$17,743 annually. Half of this amount will be applied to the current agreement; the full amount will be added to the budget for next year.
 - The Eagle Transit Board took its annual trip to the Park on 8/1/2013.
 - We invite the Commissioners to visit the Park, see the shuttle operation firsthand (if possible) and meet with Park management.
- The MDOT audit concluded last week. Results were overall very positive with the exception of one finding of overcharge to MDOT of approximately \$3000. No decision yet on whether repayment will be required.
- Human Resources:
 - Dave Polansky, Transportation Manager, has submitted his resignation. His last day will be August 31, 2013. **Thank you to Dave for his service and well wishes for his future!**
 - Ernie McIntyre took 3rd in the best driver category in Best of the Flathead. **Congratulations Ernie!**
 - Two new drivers have been hired.
 - In process of conducting an analysis of FTEs to route hours to determine personnel needs.

Nutrition

- Educational material on summer food safety was distributed to all Meals on Wheels recipients
- Wal-Mart in Kalispell donated \$5000 to Meals on Wheels and presented us with a check on 8/16/2013. This is a Wal-Mart employee initiated grant. **Big thanks to Kalispell Wal-Mart employees for choosing MOW!**

I & R/Assistance

- We are now including the Care Farm program as a regular service option.
- DPHHS has agreed to provide us with additional funding for a half-time Ombudsman position, which we hope to be able to post this week.

RSVP

- Grant update:
 - Amy Busch, State Program Specialist, conducted a compliance review of the RSVP program 7/24-26/2013. She was very positive about the program and the changes that Program Director Sue Holst has put in place. She will prepare a formal report shortly, which will be sent to you for review. **Thank you to Commissioner Holmquist and Mike Pence for visiting with Amy about their perceptions of the program and how it can best meet the needs in Flathead County.**
 - Upon learning that we have recently entered into a collaborative effort with the ASSIST project to reduce local hospital readmissions through one-on-one volunteer support post discharge, **Amy is facilitating our application for an additional \$100,000 CNCS grant available to sites that are focusing on that issue as well as health-care access, enrollment, outreach, and education.** The turnaround time is short. We will submit the grant within the next couple of weeks and could be funded as early as September. If awarded, we will have until March 2015 to expend the funds.
- The RSVP Advisory Board did not meet in July as the date conflicted with the state compliance review.
- RSVP again hosted the senior rest area at the Fair (Wed.-Sat.) with Board members taking a leadership role. The area offered seniors and their families a shady spot to sit, visit, partake of donated refreshments, and buy discounted rodeo tickets. On Thursday, which was Senior Day, approximately 100 people per hour were served. **Great job Sue and Leslie and many thanks to RSVP Board!**
- The annual Volunteer Recognition banquet will be held on 9/10/13.

Senior Mobile Home Repair

- The Advisory meeting was held 8/13/2013.
- Twenty projects are in progress. **58 projects were completed in FY 2013, which is more than double what was done in any previous year.**
- Funding: \$2000 received from Plum Creek; still awaiting word on \$3,500 from BNSF.

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Senior Centers - A primary AOA focus is outreach to area Senior Centers to build relationships, extend support, and explore new opportunities for partnership.

- Lisa and J.R. attended the potluck at North Valley Senior Center on 8/2/2013.
- Nutrition Manager, J.R. Isles, participated in the grand opening of the Lakeside Senior Center.
- Lisa and Kathi met with North Valley Senior Center Board members on 8/6/2013 to discuss funding for this fiscal year and are scheduled to meet with all Senior Center Board reps this afternoon at the Kalispell Senior Center to discuss budget and contract issues.

OPEN RFP: HISTORIC JAIL RENOVATION

9:15:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Writer Debbie Pierson, Fran Quiram, Clerk Kile

Responses to the (RFP) Request for Proposals were received from Architects Design Group, Montana Creative Architecture & Design, Phillips Architecture, CTA, J. Constenius Architects, Inc.

Commissioner Scott made a **motion** to take the RFP's under consideration. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CDBG COLLABORATIVE AGREEMENT/ GATEWAY COMMUNITY CENTER

9:21:54 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Writer Debbie Pierson, Sherry Stevens, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

AUTHORIZATION TO PUBLISH RFP: GATEWAY COMMUNITY CENTER PRELIMINARY ARCHITECTURAL REPORT

9:22:54 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Writer Debbie Pierson, Sherry Stevens, Clerk Kile

Commissioner Krueger made a **motion** to authorize publication of an RFP/ Gateway Community Center PAR. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH REQUEST FOR PROPOSALS (RFP)
FOR ARCHITECTURAL SERVICES TO COMPLETE A
PRELIMINARY ARCHITECTURAL REPORT (PAR) AND
UNIFORM ENVIRONMENTAL CHECKLIST**

The Flathead County Board of Commissioners is requesting statement of qualifications from firms interested in providing architectural services related to the Gateway Community Center Project. Services to be provided include the development of a Preliminary Architectural Report (PAR). The objective of the project is to evaluate sites for a human service campus in which many human service agencies can provide services for recipients in one location. Once identified sites are scored and ranked in the PAR, a Uniform Environmental Checklist will be completed for the preferred site alternative.

Copies of detailed RFP's including a description of services to be provided by respondents, the minimum content of responses and the factors used to evaluate the responses can be found on the Flathead County Commissioners webpage at: <http://flathead.mt.gov/commissioner/gccproject.php> or by contacting **Debbie Pierson, Flathead County Commissioners Office, 800 S. Main St., Rm. 302, Kalispell, MT 59901- (406) 758-2467/dpierson@flathead.mt.gov . All responses to the detailed RFP must be submitted to the Flathead County Commissioners Office by **9:00 a.m. on September 16, 2013**.**

Flathead County is an Equal Opportunity Employer.

Dated August 19, 2013.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

Publish on September 1 and September 8, 2013.

AUTHORIZATION TO PUBLISH RFP: ADA EVALUATION

9:24:15 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Writer Debbie Pierson, Clerk Kile

Commissioner Krueger made a **motion** to authorize publication of an RFP/ ADA evaluation. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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**AUTHORIZATION TO PUBLISH
REQUEST FOR PROPOSALS (RFP)
FOR PROFESSIONAL SERVICES**

The Flathead County Board of Commissioners is requesting statement of qualification proposals from firms interested in providing professional services to Flathead County. Services needed include completion of an Americans with Disabilities Act (ADA) Accessibility Checklist for publically accessed county programs and buildings; development of an ADA evaluation report that outlines barriers for citizens with disabilities; and development of a transition plan to improve identified programmatic barriers including costs estimates and prioritization of upgrades. The ADA checklist, evaluation and transition plan will ideally be completed by December 31, 2013.

Copies of the detailed RFP, including a description of services to be provided by respondents, the minimum content of responses and the factors used to evaluate the responses can be found on the Flathead County webpage at: <http://flathead.mt.gov/commissioner/adaevaluation.php> or by contacting **Debbie Pierson, Flathead County Commissioners Office, 800 S. Main Street, Rm. 302, Kalispell, MT 59901-(406) 758-2467/ dpierson@flathead.mt.gov**. All proposals must be submitted to the Flathead County Commissioners Office by **9:00 a.m. on September 16, 2013**.

Flathead County is an Equal Opportunity Employer.

Dated August 19, 2013.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

Publish on September 1 and September 8, 2013.

BI-MONTHLY MEETING W/ PAT MCGLYNN, MSU AGRICULTURE EXTENSION AGENT AND TAMMY WALKER, 4-H YOUTH DEVELOPMENT AGENT

9:30:51 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, MSU Agricultural Extension Agent Pat McGlynn, 4-H Youth Development Agent Tammy Walker, Clerk Kile

McGlynn met with the commission and reviewed work with agriculture alternative crops; reported Cherry Field Day was held on July 11 in which presentations and field tours were held on the new varieties of cherries that have been grown; she noted a hops field day was held also in July; reported a group of travel writers from across the country will be here to promote agriculture in our area; reported the first inspection on hay certification is completed.

Commissioner Krueger inquired as to fees charged for hay inspections.

McGlynn noted the Department of Agriculture has for the past eight years charged \$2.50 an acre, and this past spring they raised the price up to \$4.50 an acre. She reviewed prices charged this season and noted Flathead County receives \$1.00 an acre for doing the inspection and the balance goes back to the Department of Agriculture.

General discussion was held relative to the certification service provided.

Walker reported the total sale of 4-H livestock this year at NW Montana Fair was \$293,982.75. She spoke about state congress held in Bozeman, summer 4-H camps that were held and reported 4-H youth went to Michigan for an 4-H exchange trip. Walker noted the end of year awards banquet will be held on September 7 and stated Flathead County would host the state horse show at Majestic Valley Arena.

APPOINT COMMISSIONER TO FAIR BOARD

9:45:32 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Scott made a **motion** to appoint Commissioner Krueger to the Fair Board. Chairman Holmquist **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: BUILDINGS FOR LEASE OR RENT REGULATIONS (BLR)

9:46:20 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Ardis Larsen, Clerk Kile

Grieve noted for the record no public comment has been received in written or verbal form regarding the BLR Regulations. He pointed out one of the criteria for adoption of the regulations is consideration of public comment.

Commissioner Krueger made a **motion** to adopt Resolution 2366. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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RESOLUTION NO. 2366
RESOLUTION ADOPTING REGULATIONS
FOR THE APPLICATION & REVIEW OF BUILDINGS FOR LEASE OR RENT

Under the authority of Title 76, Part 8, MCA
Flathead County, Montana

WHEREAS, the 63rd Legislature and the Governor of Montana established a new review process applicable to buildings for lease or rent, effective September 01, 2013; and

WHEREAS, the new review process allows local governments to establish regulations that guide the application and review of the creation of four (4) or more buildings created for lease or rent on a single tract of land, when not otherwise exempt pursuant to Section 76-8-102, MCA but allows local governments to increase the minimum number of buildings subject to review for all buildings or only specific types or uses of buildings created for lease or rent; and

WHEREAS, the Flathead County Board of County Commissioners did hold an advertised joint public workshop with the Flathead County Planning Board on June 26th, 2013 at which the subject of adopting local building for lease or rent regulations was discussed, the Montana Department of Commerce Community Technical Assistance Program (CTAP) model regulations were reviewed, and two (2) opportunities were given for public comment but none was made; and

WHEREAS, the Flathead County Board of County Commissioners and the Flathead County Planning Board discussed a desire to see two changes to the CTAP model, including; 1) an increase in the minimum number of buildings subject to review to six (6) for buildings that are or will be served by water or wastewater facilities and thirty-one (31) for buildings that are not or will not be served by water or wastewater facilities and; 2) to increase the minimum number subject to review to unlimited for the specific type or use of "those in existence prior to September 01, 2013;" and

WHEREAS the Flathead County Planning and Zoning Office did prepare a draft Flathead County Buildings for Lease or Rent (BLR) Regulations that is based on the CTAP model with the exception of the changes discussed by the Flathead County Commissioners and the Flathead County Planning Board at the June 26th, 2013 public workshop and a physical copy of the draft BLR regulations was placed on file for public inspection at the Office of the Clerk and Recorder and an electronic copy of the draft BLR regulations was posted to the Flathead County Planning and Zoning Office website on July 12, 2013; and

WHEREAS, pursuant to Section 7-1-2121, MCA, the Flathead County Board of County Commissioners noticed on July 28th, 2013 and August 4th, 2013 in The Daily Interlake a public hearing on the proposed regulations governing review of buildings for lease or rent and posted not less than 30 days prior to the public hearing in at least five (5) public places throughout the jurisdiction, including but not limited to public buildings; and

WHEREAS, after publishing and posting such notice, the Flathead County Board of County Commissioners held the public hearing on August 15th, 2013, to consider comments from the public regarding the proposed regulations; and

WHEREAS, no public comment was received, either in writing or verbally at the public hearing; and

WHEREAS, following the conclusion of the public hearing and not needing to address public comment because none was received, the Flathead County Board of County Commissioners did not wish to make any alterations to the draft Flathead County Buildings for Lease or Rent (BLR) Regulations; and

WHEREAS, the Flathead County Board of County Commissioners have determined that the local increases to the minimum number of buildings created for lease or rent that are subject to review and the distinction between specific types or uses of buildings created for lease or rent is appropriate and desirable based on the different impacts to public health, safety and general welfare of those that are or will be served by water or wastewater facilities and those that are not or will not be served by water or wastewater facilities as well as all those buildings created for lease or rent that are in existence or under construction prior to the effective date of these regulations; and

WHEREAS, the Flathead County Board of County Commissioners have determined that the local increases to the minimum number of buildings created for lease or rent that are subject to review is appropriate and desirable based on the different impacts to public health, safety and general welfare of those that are or will be served by water or wastewater facilities and those that are not or will not be served by water or wastewater facilities; and

WHEREAS, the Flathead County Board of County Commissioners have determined that denoting, as a specific type or use of building, those buildings created for lease or rent that are in existence or under construction prior to the effective date of these regulations is appropriate and desirable based on general welfare; and

WHEREAS, the Flathead County Board of County Commissioners established a fee in the Flathead County Planning and Zoning Office Administrative Fees and Fee Policies document to be paid by the landowner, commensurate with the cost of reviewing applications for buildings for lease or rent.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Flathead County Board of County Commissioners adopts the regulations set forth in Exhibit A attached hereto and incorporated herein for the purpose of reviewing buildings for lease or rent in Flathead County, pursuant to the provision of 76-8-101, *et seq.*, MCA and that the effective date of said regulations shall be September 01, 2013.

Dated this 19th day of August, 2013.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By/s/Gary D. Krueger
Gary D. Krueger, Member

By/s/Calvin L. Scott
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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EXHIBIT A
Buildings for Lease or Rent
Application and Review Process

1. Purpose

The following regulations are intended to provide an administrative process for the acceptance and review of applications for the creation of a building for lease or rent in unincorporated areas of Flathead County. The lease or rent of a building on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from a building proposed for lease or rent on a single tract of record, ensuring protection of the public's health, safety and general welfare.

2. Authority and Administration

- A. These regulations are adopted under the authority of Sections 76-8-101, *et seq.*, MCA.
- B. The Flathead County Planning & Zoning Office is designated by the Board of County Commissioners of Flathead County to administer these regulations.

3. Applicability

- A. These regulations apply to all lands within the unincorporated areas of Flathead County.
- B. In their interpretation and application, the provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- C. These regulations are not intended to abrogate or annul any building permit, subdivision approval, certificate of occupancy, variance, or other lawful permit issued before the effective date of these regulations.
- D. These regulations are not intended to abrogate or annul any other regulations applicable to a tract of land, including but not limited to, zoning, building codes, private covenants, or floodplain or lakeshore regulations.

4. Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in Section 76-3-103(15), MCA, the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.
- F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- H. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in Flathead County.
- I. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

5. Requirements for Buildings for Lease or Rent

- A. In areas where zoning regulations are in effect that the governing body has determined contain the elements of Section 76-8-104, MCA, the construction of all buildings must meet the requirements of the applicable zoning regulations.
- B. When applicable zoning regulations are not in effect, a building that is not created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations.
- C. A building that is created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations when:
 - i. The building for lease or rent was in existence or under construction on the tract of record before September 1, 2013;
 - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or
 - iii. The building is for farming or agricultural purposes.
- D. A building that is created for lease or rent and is or will be served by water and wastewater facilities must comply with the provisions of subsection (E) but is exempt from all other provisions of these regulations when:
 - i. The building for lease or rent was in existence or under construction on the tract of record before September 1, 2013;
 - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;

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- iii. The building is for farming or agricultural purposes; or
- iv. The landowner records a notarized declaration with the Flathead County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and may only be revoked by written approval of both the landowner and the governing body in accordance with these regulations. The declaration must be executed by the landowner and the administrator, and must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.
- E. The first thirty (30) or fewer buildings for lease or rent that are not or will not be served by water or wastewater facilities, or the first five (5) or fewer buildings for lease or rent that are or will be served by water and wastewater facilities proposed on a single tract of record and not otherwise exempt under subsections (A)-(E), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Flathead County Clerk and Recorder.
- F. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.
- G. A landowner may voluntarily request a certificate of compliance from the Administrator to document that a building is exempt from these regulations. Such requests should be made in writing to the Administrator on the form provided by the Administrator. The burden of proof rests with the landowner to demonstrate how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Flathead County Clerk and Recorder.

6. Application & Review of Building for Lease or Rent

A. Application Submittal

- i. An application for the creation of a building for lease or rent shall be submitted to the administrator on the form provided by the administrator, and accompanied by the payment of any fees established for the review of same.
- ii. The application shall include:
 - a. A copy of the deed or other legal description of the real property;
 - b. Evidence of the landowner's title and interest in the land for which the application is being made;
 - c. A site plan showing:
 - I. North arrow and scale bar (minimum scale of 1:20);
 - II. Property boundaries;
 - III. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
 - IV. Existing and proposed access to the subject property;
 - V. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
 - VI. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
 - VII. The location of existing and proposed buildings or structures on the subject property.
 - d. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
 - e. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
 - f. A detailed narrative of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
 - g. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent.
 - h. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed building for lease or rent, including a description of any proposed mitigation measures to avoid or minimize impacts anticipated.

B. Review Process

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete review of the application and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.

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- iv. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

C. Governing Body Decision

- i. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and other regulations applicable to the property, and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for lease or rent;
 - c. Adequate access to the site is provided to serve the buildings for lease or rent;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for lease or rent; and
 - e. The buildings for lease or rent comply with any applicable flood plain regulations.

D. Appeal

- i. Appeal of Sanitation Decision. An applicant who is aggrieved by a final decision of the department or the local reviewing authority made pursuant to Section 5(C) of these regulations may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. Appeal of Local Governing Body Decision. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body pursuant to Section 6 of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

7. Enforcement and Penalties

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within a minimum of 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the minimum 30 days required for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the Flathead County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the *Flathead County* Attorney may immediately commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.
- E. A fine not to exceed \$500 may be imposed for a violation of these regulations.

FINAL PLAT: FOYS LAKE ISLAND ACCESS PARCEL

9:50:03 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Ardis Larsen, Garren Hartman, Clerk Kile

Hogle entered into record Final Plat FFP 13-05; Foy's Lake Island Access Parcel. The commission on July 2, 2012 granted preliminary plat subject to 18 conditions, which have been met.

Commissioner Scott made a **motion** to approve final plat for Foy's Lake Island Access Parcel. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

OPEN RFP: SALARY SURVEY

10:00:44 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Human Resource Director Tammy Skramovsky, Deputy County Attorney Tara Fugina, Clerk Kile

A single response to the (RFP) Request for Proposals was received from Paul Hutter Associated Employers.

Commissioner Krueger made a **motion** to take the RFP for a salary survey under consideration. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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CONSIDERATION OF AND DOCUMENT FOR SIGNATURE: SANDRA CARLSON, EMPLOYMENT AGREEMENT/ FINANCE

10:01:44 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Human Resource Director Tammy Skramovsky, Clerk Kile

Commissioner Scott made a **motion** to approve the employment agreement for Sandra Carlson. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MONTANA WOOL GROWERS ASSOCIATION MOU

10:02:44 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Commissioner Scott made a **motion** to approve the document for signature/ MOU with Montana Wool Growers Association. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

MEETING W/ KIRK MACKENZIE RE: DEFEND RURAL AMERICA

10:15:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Kirk MacKenzie, Sue MacKenzie, Clarice Ryan, Rita Hall, Julia Fehrs, Gina Klempel, Clerk Kile

Kirk MacKenzie met with the commission and reviewed concerns he has regarding the direction our country is going. It has occurred to me he said, that there is a real crisis in rural American nationwide; 30% of our nation's counties are near financial collapse. We now have counties in California that are starting to declare a state of emergency and beginning to take their jurisdiction back to maintain forests, because the federal government is improperly managing them. The impact he sees in Montana is very similar; you have a battle with your water basin west of the Rockies with the Flathead Indian Reservation. What concerns me, is not so much the desire to be good stewards of the land, but the intentional falsification of science. Because of the spotted owl, they shut down the northern California forest in southern Oregon; that did not work, so they decided to extend the shutdown all the way to the Canadian border and over 50 counties have had their forest shut down. The thing that hits me most is the effect on the children. With the economic stress, families are having problems with increasing child abuse, spousal abuse, parental abuse, grandparent abuse, increasing reliance on drugs, and really all for false reasons. As it turns out the spotted owl is in fact not a species, but a sub-species. The barred owl is a cousin and is doing quite well, and because of them doing quite well they are intermingling with the spotted owl that is presumably threatened. They cannot get an exact number on the spotted owl, because in the presence of the barred owl they don't hoot. They are no more difference species than a blond or brunette. Now what is happening is they are beginning to slaughter the barred owl, because they want to protect the spotted owl....it's crazy; it is a natural selection process going on. California use to be an exporter of lumber and now they are importing about 80 to 90 percent of its lumber needs. They are now proposing to shut down four hydroelectric dams on Klamath River that will result in the loss of electricity to about 65 thousand homes; they will take the water away from agriculture all for false reasons. The coho salmon is not native to the area and when they blow up the dam, they will destroy the fish hatchery that produces 6 million salmon a year. He further spoke about coho salmon, delta smelt, and shutdown of Drake's Bay Oyster Farm, forest fires and the reason they are happening and our loss of representation. He pointed out the country is at a turning point where our nation is going to fundamentally change unless citizens fight back. MacKenzie said essentially the federal government has become hostile and people are beginning to realize that their future, future of their children and grandchildren are at stake; we either need to stand up now or we will forever lose what we thought was the American dream. He pointed out four things they are asking counties to do:

1. We want them to declare a state of emergency and acknowledge that we are in a crisis.
2. We want them to pass a resolution, take back their jurisdiction, and declare they do have jurisdiction over these so-called natural forests; which you do. It is there and you not only have the right and ability, but you have the duty to protect your citizens' health, safety, and welfare.
3. We are going to take on the environmentalist movement head on and go after fighting the endangered species act listing. We are going to expose the fact that the endangered species act itself is a fraud the way it is being applied. I am an environmentalist, but what is happening here is not environmental; it is a political movement that is disguised to look like environmentalism.
4. We are moving counties to be constitutional counties. We want constitutional sheriffs, constitutional board of supervisors, constitutional district attorneys, and constitutional county counsels.

This is a serious time and my message is either stand up or lose it forever. Either we are going to restore local government to the authority and right that it should have, or we are going to suffer global governance. There is nothing in between; you will continue to get your dictates from outside the county from United Nations and so forth while people's rights are being destroyed.

CONSIDERATION OF PRINTING BIDS: SUPERINTENDENT OF SCHOOLS, HEALTH DEPARTMENT AND SHERIFF'S OFFICE

10:26:44 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Chairman Holmquist read into record the lowest bid was from Northstar Printing for 2,000 return address envelopes for \$98.00 for the Superintendent of Schools.

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Commissioner Krueger made a **motion** to approve the print bid for the Superintendent of Schools. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Chairman Holmquist read into record the lowest bid was from Montana Correctional Enterprises for 1,200 influenza vaccine informational sheets for \$34.00 and 1,200 FCCHD consent forms for \$47.00 for the Health Department.

Commissioner Scott made a **motion** to approve the print bid as stated. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Chairman Holmquist read into the record the lowest bid was received from The Towne Printer for 2,000 inmate grievance forms for \$199.25 for the Sheriff's Office.

Commissioner Krueger made a **motion** to approve the print bid. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Chairman Holmquist read into the record the lowest bid was received from Insty Prints for 2,000 checks and 1,600 deposit slips for \$486.00 for the Sheriff's Office.

Commissioner Krueger made a **motion** to approve the print bid for the Sheriff's Office. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

7:00 p.m. Commissioner Holmquist: River Commission meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 20, 2013.

TUESDAY, AUGUST 20, 2013

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

3:00 p.m. Commissioners and Solid Waste Board Recycling Workshop @ EBB, Conference Room A/B

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 21, 2013.

WEDNESDAY, AUGUST 21, 2013

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 22, 2013.

THURSDAY, AUGUST 22, 2013

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 23, 2013.

FRIDAY, AUGUST 23, 2013

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 26, 2013.
